

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CLOUDING IP, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 13-1338 (LPS)
	)	
CA, INC. d/b/a CA TECHNOLOGIES,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**CA INC.'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS FOR LACK  
OF STANDING OR, IN THE ALTERNATIVE, AS VOID FOR CHAMPERTY**

In support of its Motion to Dismiss for Lack of Standing, or in the Alternative, as Void for Champerty (the "Motion"), Defendant CA, Inc. ("CA") incorporated by reference the opening briefs previously filed by defendants in several related *Clouding* cases in support of their motions to dismiss. (D.I. 21). In response to CA's Motion, Plaintiff Clouding IP LLC incorporated by reference the opposition briefs it previously filed in those related *Clouding* cases. (D.I. 27).

CA has reviewed the arguments set forth in the reply briefs in support of the motions to dismiss filed in *Clouding IP LLC v. Google, Inc.* (C.A. No. 12-639-LPS), *Clouding IP LLC v. Amazon.com, Inc., et al.* (C.A. No. 12-641-LPS) and *Clouding IP LLC v. Motorola Mobility LLC* (C.A. No. 12-1078-LPS). See D.I. 128 in C.A. No. 12-639-LPS; D.I. 138 in C.A. No. 12-641-LPS; D.I. 116 in C.A. 12-1078-LPS. In addition, CA has reviewed reply briefs in support of motions to dismiss that are being filed concurrently herewith in *Clouding IP LLC v. EMC Corp., et al.* (C.A. No. 13-01455-LPS) and *Clouding IP LLC v. Rackspace Hosting, Inc., et al.* (C.A. No. 1200675-LPS). Because the same arguments are equally applicable to CA's Motion, CA

will not burden the Court with a duplicative reply brief, but instead relies upon and incorporates herein the arguments in all of the aforementioned reply briefs in support of CA's Motion.

WHEREFORE, CA respectfully requests that the Court dismiss Clouding's First Amended Complaint against CA in its entirety for lack of standing or, in the alternative, as void for champerty.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Paul Saindon*

---

Jack B. Blumenfeld (#1014)  
Rodger D. Smith II (#3778)  
Paul Saindon (#5110)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
rsmith@mnat.com

OF COUNSEL:

Joshua C. Krumholz  
Benjamin M. Stern  
Jacob W.S. Schneider  
HOLLAND & KNIGHT  
10 St. James Avenue  
11<sup>th</sup> Floor  
Boston, MA 02116  
(617) 523-2700

*Attorneys for Defendant*

January 15, 2014  
7917566

**CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 15, 2014, upon the following in the manner indicated:

Richard D. Kirk, Esquire  
Stephen B. Brauerman, Esquire  
Vanessa R. Tiradentes, Esquire  
BAYARD, P.A.  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

Marc A. Fenster, Esquire  
Brian Ledahl, Esquire  
Dorian S. Berger, Esquire  
RUSS, AUGUST & KABAT  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

*/s/ Paul Saindon*

---

Paul Saindon (#5110)